

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 YAAKOV KATZ
 on behalf of himself and the class,

Plaintiff,

- against -

SLICE & CO. FINE GOURMET BRICK
 OVEN PIZZA, INC.,

Defendant.

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USDC SDNY
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11 Civ. 9411 (TPG)

ORDER

Plaintiff commenced this action by the filing of a complaint on December 21, 2011. On December 29, 2011, plaintiff served the summons and complaint on defendant. Defendant has not yet responded.

Plaintiff's complaint alleges a violation of the Electronic Funds Transfer Act, 15 U.S.C § 1693 et seq., which requires a notice both on the screen and on the machine if a fee will be imposed for making a transaction at an ATM.

Plaintiff alleges there was no such notice on the machine at defendant's store at the time of his transaction. Since the filing of the complaint, plaintiff has identified additional entities responsible for the operation of the ATM at defendant's store.

On March 2, 2012, plaintiff moved for leave to file an amended complaint. Under the Federal Rules of Civil Procedure, a party may amend its pleading with the court's leave. "The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

Plaintiff's motion for leave to file an amended complaint is granted.

SO ORDERED.

Dated: New York, New York
March 7, 2012


Thomas P. Griesa
Thomas P. Griesa
U.S. District Judge